GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:5379
ANSWERED ON:29.04.2005
CRIMINAL PROCEDURE CODE
Khanna Shri Avinash Rai

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government propose to modify the criminal procedure code;

(b) if so, the details thereof;

(c) the time by which a decision is likely to be taken up in this regard;

(d) whether an early decision is likely to be taken up in this regard; and

(e) if so, the details thereof?

Answer

MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKAT APATHY)

(a) to (e) : A statement is enclosed Statement referred to in reply to Parts (at to (e) of Lok Sabha Unstarred Question No. 5379 for 29.4.2005 by Shri Avinash Rai Khanna , M.P. regarding Criminal Procedure Code The Code of Criminal Procedure, 1973 is being amended as and when need arises, on the basis of the recommendations of the Law Commission of India or other.special Committees set up for the purpose. The Code of Criminal Procedure (Amendment) Bill, 1994 which was introduced in the Rajya Sabha is based on the recommendations made by the Law Commission, National Police Commission and other agencies. The thrust areas of the Bill are:

(i) Toning up the investigative machinery and process;

(ii) Strengthening the prosecution and related machinery;

(iii) Streamlining and improving procedures, especially from the point of view of expediting trial court procedures;

(iv) Tackling the problem of undertrials and matters connected with the grant of bail; and

(v) Effecting miscellaneous improvements. The Criminal Law (Amendment) Bill, 2003, introduced in the Rajya Sabha on 22nd August, 2003 , has also proposals to amend various provisions of the Code of Criminal Procedure, 1973 Apart from the above, the Malimath Committee on Reforms of Criminal Justice System in its report has recommended various changes to the Code of Criminal Procedure, 1973, the Indian Penal Code, 1860 and other laws. The Criminal Law and the Criminal Procedure are in the Concurrent List of the Seventh Schedule to the Constitution of India and they are administered by State Governments. Therefore, before effecting major changes in these laws, consultations with State Governments are essential. Accordingly, the Report of the Malimath Committee was forwarded to the State Governments for their views. So far, views of eleven (11) State Governments and four (4) Union Territory Administrations have been received.